

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

BAC HOME LOANS SERVICING, LP,)
)
Plaintiff,)
)
v.)
)
JULE A. WAKLEY, et al.,)
)
Defendants.)

No. 1:10-cv-960-LJM-DML

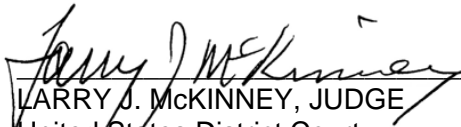
Entry Discussing Motion to Remand

This action has been removed to this court from the Marion Superior Court. However, a case can be removed to federal court “only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b). Here, defendants Julie and Victor Wakley reside in Indiana. Arguing that the Wakleys are citizens of Indiana and that this case is therefore not removable, the plaintiff has filed a motion to remand, which the Wakleys have not opposed. Accordingly, the court finds that the case was not removable and **grants** the motion to remand (dkt 11).

For these reasons, the Court hereby REMANDS this cause to the Marion County, Indiana, Superior Court, Civil Division. The costs are assessed against defendants Julie and Victor Wakely.

IT IS SO ORDERED.

Date: 11/04/2010


LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana